

KANSAS—LECOMPTON CONSTITUTION.

SPEECH

OF

HON. HANNIBAL HAMLIN, OF MAINE,

IN THE SENATE OF THE UNITED STATES, MARCH 9 AND 10, 1858.

The Senate having under consideration the bill for the admission of Kansas into the Union as a State—

Mr. HAMLIN said:

Mr. PRESIDENT: I do not often trespass on the patience of the Senate: I do so now from no personal inclination of my own. Indeed, but for the obligation which is imposed upon me by the people whom I represent, I would forego, on the present occasion, any suggestions which I might deem it proper to make, and give a silent vote upon the views which have been presented, and shall be presented, by other Senators, upon the question now pending. The importance of the question, however, is such as imposes an obligation upon me to speak in vindication of the rights of the people I represent. The magnitude of the question is a sufficient apology.

Since I have held a seat in this body, indeed in the history of the whole country, I think no question has been presented to us for our deliberation and consideration, equal in importance and magnitude to that which is now before us. I regret, sir, I deeply regret, the aspect in which it is presented. In all this body, were I to put the question, "how many are there who approve the act, which is about to be consummated here, in their judgment?" how many of all that hold seats here, could give an affirmative answer? The tyranny of party, the despotism of party, comes to the rescue; and men here are about to do an act which in their judgment and in their hearts they disapprove. There is no despotism on earth like the despotism of party and party associations. We should, as freemen, do no act that does not command the approval of the judgment.

What is the act which a firm and settled majority in this Senate have determined shall be done? In all the history of time, in all the records of the past, no act of equal political turpitude, in my judgment, can be found, save one to which I may allude.

Mr. PRESIDENT, I have no laudations to bestow on this Union. It needs none. Its eulogy is written in the history of the past. I choose that my acts

shall speak for me, rather than the words I utter. I would, sir, that it should remain a monument forever to guide the nations of the world. I would, sir, that this Government should be perpetuated for all coming time; and no act of mine, no instrumentality of mine, shall be exerted or given except for that perpetuation. I would that our nation should stand a moral monument to enlighten other nations; but I cannot resist the conclusion that if we are to bow to the unlimited power of party despotism, if we are to do acts which in our judgments and in our hearts we reprobate, the day, the hour, of our downfall is as certain as that of other nations which have preceded us. I do not mean that it will come now, or even within my day, or the day of the youngest of us. Great as may be the wrongs which you may perpetrate, the recuperative energies of our country may overcome them; but, in the course of time, this incessant arrogation of executive and governmental power must produce its effect; and the institutions which we have reared, when their foundation shall have been subverted by executive power, must crumble and decay. That act which is before us, that bill upon which we are to vote, is one of the measures which is calculated, if not designed, to produce that event. Who that believes that nations, like individuals, must answer to a higher power for the wrongs they perpetrate—who that believes that the sins committed by a nation are to be answered for as are the sins of an individual—can doubt that, if the present course of things be persisted in, a fearful retribution must follow?

Mr. PRESIDENT, it is my purpose upon the present occasion to confine myself principally to a reply to the suggestions which have been made by the honorable Senator from South Carolina, [Mr. HAMMOND.] I may, after reviewing some of the remarkable doctrines which he has presented, say something on the question which is directly before us; but it is my object now to review some of the positions which he has assumed, for the purpose of testing their accuracy or their inaccuracy, and to answer some of the assaults

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which he has made upon the people I represent. The doctrines enunciated by that Senator are remarkable. The frankness with which they were expressed is commendable. It is my purpose to speak particularly to three distinct points: first, the faith of the South, and the manner in which she has kept it; second, the capacity of the South as a distinct and separate Government, as presented by the Senator from South Carolina; and third, the character of the people whom I represent—the laboring masses of the North. I may say incidentally something in relation to some other points which he suggested, but to these three points I propose mainly to confine myself. These points I propose to discuss, though I may not do so in the order in which I have named them.

First, as to the faith of the South. I will not stop to quote the Senator's language; but he asserts broadly that the North have uniformly violated their faith, but that we may rely with unlimited confidence upon the unbroken faith of the South. I have no answer to his allegation as to the faith of the North. When he shall make his specifications, I will give the answer that justice shall demand. On what point have we at the North been faithless to our constitutional obligations? Upon what point have we at the North been faithless to the South? Sir, when I speak of the South, I am only using the terms the Senator from South Carolina has placed in my mouth. In my heart, I know no North, no South, no East, no West. We are the people of one common country. Whatever relates to the prosperity and the welfare, whatever pertains to the rights of the South, as an American citizen, as an American Senator, I stand here to vindicate and maintain. What are their rights are my rights. What belongs to them belongs to me, as a citizen of a common country.

But the Senator from South Carolina has seen fit, in the course of the argument which he has pursued, to arraign the North for the want of fidelity, and has vaunted here the unbroken plighted faith of the South. I ask again, in what have we violated our constitutional obligations? I tell you, sir, you mistake us. We regard our country as a whole. We are willing to stand by it as a whole; nay, in the Union, we mean to stand by it as a whole. You can neither drive us out of it, nor shall you go.

But, sir, to proceed to the consideration of the points which I make. The facts of history show to my mind conclusively, that while we have been a Union, the faith of the South, of which the Senator from South Carolina so vauntingly boasted, has hardly been kept. I would not pursue this line of argument but for the manner in which the allegation was made. No single instance in which we of the North have violated our constitutional obligation has been cited. I think, in the absence of any specifications, I may clearly come to the conclusion that none can be successfully made. I hardly know what the Senator means by southern faith. I am therefore left to grope my way, and to draw my own conclusions.

Mr. President, the Senator from South Carolina deplored the restoration of a tariff policy upon the South; but I think I may cite it as one class of cases in which the South has not kept its legis-

lative faith to the North. Who were the authors of the tariff policy? From whom did it spring? Read the messages of Thomas Jefferson; read the messages of James Madison; quote the language, as the Senator from Wisconsin [Mr. DOOLITTLE] did yesterday, of the distinguished son of South Carolina, Mr. Calhoun, and from all the records of the past we have the undisputed and indisputable history, that it was the South that tendered its aid to the North in what was called a protective policy. I am here no defender of that policy; I am here no advocate of a protective policy; but when the South had inaugurated such a policy, and had induced the North to invest its capital under a policy which itself had inaugurated, I ask—I think I may ask with triumph—with what kind of propriety can the South call on us now to change it? They hardly keep their legislative faith, when they seek to ruin the men who have invested their means under that system which they themselves have created. Is not that true? Is it not historically true? We of the North were a commercial people; we had no genial suns of the South to shine on our heads; we had no bright and stretching savannas that invited the cultivator of the soil. It was said, and said truly, that our country was cold and barren, though God knows we have made it "bloom and blossom as the rose." We had no natural advantages like those that God had given to the South. But placed as we were, and judging that the fiat of the Almighty was no curse upon man, that he should earn his livelihood in the sweat of his own brow, we have toiled on our hill-sides; we have gone into our machine-shops; we have delved in our mines; and we have made the North, under all the circumstances in which we have been placed, what she is. I insist that, when a policy which was calculated to divert the industry and the capital of the North from commercial to manufacturing purposes was inaugurated by the South, and after the capital of the North had been diverted to those sources, it was a want of legislative faith, on the part of the South, ruthlessly to break them down.

But, sir, the Senator complains again that the South have no guarantee that we shall not fasten on it a national bank; and that, too, comes from the Senator from South Carolina. Whose policy was that? Who imposed the system upon us? The Senator from South Carolina, Mr. Calhoun, distinguished as the representative of that State, and as the exponent of the South, himself offered, in 1814, in the House of Representatives, a resolution to inquire into the expediency of incorporating a national bank; and then, in 1816, himself voted for it. If the Senator from South Carolina [Mr. HAMMOND] was in his seat, I would ask him what guarantee have we that you will not turn back to the maxims that you first practiced, and again seek to impose upon us a national bank? I think I am right when I say that upon this side of the Senate, and among our friends in the country, there is no disposition to return to that system.

But, in relation to the system of protection to domestic industry or the manufacturing interest, let me say here, in passing, that while I am no prophet, I still predict, young as I am, or old as I am, that I shall live to see the day when the South will come into these Halls and clamor for protec-

tion. Why so? You are wearing out your lands in agriculture; you must go back to the manufacture of the articles that you consume for yourselves, your families, and those dependent upon you. It is one of the necessities of a nation; and as you depart from agriculture you will go to manufactures; you will come here to seek protection from the North, as well as protection from foreign Governments. I have no doubt that I shall live to see that day if I survive to the common age of man. If I do live to see it, and if I have power to exert, or a vote to give, I will give it for what is just and right to that people.

I pass from the consideration of these two questions to one of a broader character. I pass to the consideration of what was the original design of our Government in its foundation, and what was the action of the South at that period of time. I know the South has changed her views. I do not know that I complain of it. I know the effect of habit, association, companionship, and interest, upon the lives, the conduct, and the opinions of men. I can be more charitable to those men of the South than I can be to their allies in the North; and God forbid that I should say one word to or of them, when we have such a class existing in the North as we have all around us. No, sir; I might say that I love them in comparison with the class of men at the North who are faithless to all the instincts of humanity, of association, of education, and all their surroundings. I know the force and the power of those influences. God knows what might be our opinion if we were born and educated at the South; I do not. Had I been born in Turkey I do not know that I might not have been a Mussulman. But it is humiliating to us, it is mortifying, but it is an admission to be made, that you train our politicians at the North, and make them subservient to all your behests. It is a humiliating admission to make, but still it belongs to the frailty of humanity, and I hope, in the progress of time, we shall be compensated for the admission by finding, when the Government is restored to its original position, that that class of people do not live entirely at the North. While it is a matter of regret, and of deep regret, that we have such a class of men among us, while I mourn over it, I am consoled with the reflection that light is dawning in the distant South; that the patriotic, the noble men of that region are coming to the rescue, and telling us that they have hearts and sympathies that beat in unison with our own, and that they, with us, ask only that this Government shall be administered upon the principles on which our fathers founded it.

But, sir, what was the early action of the Government to which I have referred and upon which our Government was based? It was the principle of freedom. I know too well, and I confess I feel somewhat embarrassed under the circumstances, that I can utter no new truth here; but what, I ask, is the history of this Government in relation to the principles upon which it was founded? I say that it was founded, and it was designed to be based, on the principles of free government. When our Constitution was formed, nobody doubted, everybody expected, that the institution of slavery, so deleterious in its effects, would fade away. Times have changed. The invention of the cotton-gin made the production of cotton profitable; and, with that power which belongs to the

pocket-nerve, public sentiment has changed in the South, and too much in the North. The production of cotton became profitable, and with that profit came the change. A temporary and evanescent benefit has led to this change, not a permanent benefit. Madison told us in the convention which framed the Constitution, that it was wrong to admit that man could hold property in man; that he would not incorporate that idea into the Constitution. We had the maxims and the teachings of Jefferson and all the wisest and best statesmen of the South against slavery. I have no time to stop now to quote authorities. They are

"Thick as autumnal leaves."

They all concurred in the doctrine that it was an institution that carried along with it blight and mildew; and your eloquent Plunkney, of Maryland, told you that it scorched the green earth upon which its footsteps fell.

Under that view of the case, the ordinance from the brain of Thomas Jefferson was adopted. In the precise form in which it passed into a legal enactment, I know it came from Nathan Dane, of New England; but the idea was that of the South; the principle was originated by Thomas Jefferson; and the only distinction between the restriction of Jefferson in 1784 and Dane in 1787 was this: Jefferson proposed that slavery should be prohibited from all your territories then belonging to the United States, and all that should be acquired. The proviso of Dane restricted it in the territories then belonging to the United States, and provided that fugitives from service should be surrendered. If the doctrines of Jefferson had been maintained as presented in 1784, there would have been quiet in the country, and none of the agitations which we have witnessed would have occurred.

This was the doctrine of the South, then; she presented it to us for our approval and our adoption. How stands the South to-day? She has repudiated the doctrines of her fathers, and comes here asserting that our Government is founded on the great principle of human servitude—a system that degrades the white man who labors beside the slave. Who have kept their faith? "The South has never violated its faith; we can repose on that faith which has never been violated," we are told by the Senator from South Carolina. But, sir, as I travel along in this record, I want to bring it home a little more direct to South Carolina. I say, up to 1841, South Carolina had recognized these positions. In 1841 what had been the long practice of the Government was not only recognized but indorsed by South Carolina, and through her own distinguished Senator on this floor, Mr. Calhoun. We all remember what was the position which that State had assumed prior to that period of time. They had gone off and worshiped false gods. They had attempted to inculcate the doctrine of nullification; but when Mr. Van Buren was elected President of the United States they gave to him their adhesion; and upon what ground? Upon the ground that he had pursued a policy which was satisfactory to the South—a policy which recognized the rights of the South.

What was the history of the time? Mr. Van Buren had addressed a letter, preceding his election, to citizens of North Carolina, which I have by me, in which he laid down the doctrine that

it was inexpedient to abolish slavery in the District of Columbia, and that it ought not to be done without the consent of the slaveholders; but that the power of the United States over the District of Columbia was precisely that which originally belonged to Virginia and Maryland. Mr. Van Buren, in his inaugural address—I will not quote his language—declared that he would not approve any bill for the abolition of slavery in the District of Columbia, without ample remuneration to the slaveholders, and that the Government of the United States had no power over slavery in the States. That is the doctrine of Mr. Van Buren, and upon that doctrine South Carolina comes into the Senate and gives to him an earnest and a generous support. The doctrines of nullification were forgotten. Mr. Preston, who was then a member of the Senate, I think, did not quite come up to the progress of South Carolina in these events; and in the resolutions which the Senate of South Carolina saw fit to adopt on that occasion, they applauded John C. Calhoun; they had no words of approval for William C. Preston. I will read one of the resolutions adopted by the Legislature of South Carolina, in 1841:

“Resolved, That the general principles and policy of the administration of Martin Van Buren are approved by this Legislature, and are well calculated to preserve the perpetuity of the Union, by an equal and just protection of the rights of every section; thus avoiding the necessity of any State resorting to her own means of self-defense, to secure unimpaired her institutions and her rights.”

Now, what is the fair deduction to be drawn from the language used by Mr. Van Buren, to which I have alluded? He denied that the Government of the United States had any right to interfere with slavery in the States: so say we all. He denied the expediency of abolishing slavery in the District of Columbia, except by the consent of the slaveholders, and compensation made. Now, by fair deduction, will any lawyer say that he did not hold to the power to abolish slavery in this District? His own language is before me, in his answer to the letter to which I have alluded, that it was not expedient to do the thing. Consequently, I say that we cannot avoid the conclusion that he held to the power. He held, also, that Congress had no power to interfere with slavery in the States; so we hold; but he is perfectly silent in relation to the power of Congress in the Territories. The inclusion of the power named is the exclusion of the power not named. Is it not a matter of fair inference, is it not an inference from which we cannot escape, that while he undertakes to limit the power of Congress, and to prohibit it in the States, we have a right to exercise it in the Territories, taking along with it the fact that for more than sixty years that power has uniformly been exercised? I think it is irresistible.

Here, then, if I am right in my conclusions, is the indorsement of the sovereign State, as it is sometimes called, of South Carolina, approving of the Administration of Mr. Van Buren, whose policy was clear and distinct, to wit: that we should not interfere with slavery in the States; that we should not abolish slavery in the District of Columbia without the consent of the slaveholders; but that we had the same power to do it that Virginia and Maryland had; and leaving irresistibly the conclusion that we had a right to exercise our power over the Territories of the coun-

try. In 1841, then, the State of South Carolina comes up to a recognition of the doctrines that we demand. Now we are told by the Senator from that State that the plighted faith of the South has never been broken.

Mr. President, I come now to another point which, in my judgment, implies vastly more than legislative faith. I come to the repeal of the Missouri compromise. Whose measure was that? From what section of the country did it come? By whose votes was it imposed upon the country? Every man knows—it is historical—that the Missouri compromise was a southern measure. Its passage was celebrated by public meetings all over the South. They held it as their peculiar measure. It was, in truth, the suggestion of Mr. McLane, from a southern State; and it was adopted finally upon the suggestion of Mr. Pinckney, a Senator from a southern State. His life shows the fact. The letter which he wrote upon the occasion states that, in the committee of conference between the two branches of Congress, he suggested it. Upon his suggestion it was adopted; and then public meetings were held through all the South, and they were jubilant over its success. Now, sir, one of their own men declared that it should be an act irrepealable. I do not contend that it was such except in good faith. The Missouri compromise line was, therefore, the act of the South; and in that act the North had always acquiesced. Who abrogated the restriction? It was adopted by almost all the votes of the South; and only here and there a man from the North to support it, and who were known no more forever, as will be those at the North who support this measure. It was a southern measure in essence and in substance. The North did not vote for it. Why? Because it was a partial departure from the original design of the Government; because it did not come up to the doctrine of 1787. But after it had been adopted the North, for more than a third of a century, acquiesced in it. After the South had secured, under that compromise, all the advantage that could accrue to her and her peculiar institutions, she comes into this Hall, and she asks, she demands, and she obtains, a repeal of all that was beneficial to the North. We are told by the Senator from South Carolina that we can rely upon the South; that her plighted faith has never been broken! Sir, I will not quote what is so familiar upon my lips in relation to the South, but I will quote it as to what they call the Democratic party: “their faith is Punic, and branded to a proverb.”

But, sir, it is not in a party aspect alone that I propose to view this question. A broader and a wider view is before me. It is not the South as a party, and in a party aspect, that has violated this time-honored compact, and I say has violated her faith; but she has extended her power to the court below. I think, on the whole, “the court below” is an appropriate term. She seized upon the Executive and bound him in her manacles. She holds the Government in all its departments. You have got the legislative power in your control; you have got the executive in your control; you have got the judiciary in your power. How you got the two latter I do not precisely undertake to say—by political complicity and collusion anyhow. Search all the records of your country, examine all the messages that have ever

been presented to us, and not one can be found where an Executive has undertaken to foreshadow the opinions of the judiciary, until you come to the inaugural address of the present President of the United States—not one; and in that political collusion and complicity, I affirm that the object was to rob the people and the States of the rights that belong to them.

Now, sir, with how much grace, or with how much truth, can the Senator from South Carolina affirm that the plighted faith of the South has never been broken? This opinion of the court—mark the word I use; I do not call it the decision of the court, for I regard it only as the opinion of the judges individually—is given upon a question which they tell us gravely is not before them. They erect a structure for which they have no foundation. They gravely and judicially tell us that they have no jurisdiction of the matter, and then they volunteer an opinion as to what they would decide, if the question was before them. That is all there is of it; there is nothing more. I concur with Justice McLean, who said that he would treat it as no decision at all. There is not a lawyer in this body, there is not a lawyer in the country, who does not know that when the court determine that they have no jurisdiction in the matter, they have no right to determine the question which lies behind the issue of jurisdiction. I regret, sir, I deeply regret, that that court should have gone outside of its appropriate jurisdiction for the purpose of seeking an occasion on which to issue or make public their private opinions. I had before looked at that court with high respect; but I hold that they had no more right to decide upon that question than we have to decide for them. It was a political question purely; and it is one of those questions, in regard to which Thomas Jefferson so early and so ably warned us against judicial interference. But why quote Thomas Jefferson? He is obsolete on the other side of the Chamber.

They had no more authority to decide a political question for us, than we had to decide a judicial question for them. Keep each branch of the Government within the sphere of its own duties. We make laws, they interpret them; but it is not for them to tell us what are the limits within which we shall confine ourselves in our action; or, in other words, what is a political constitutional right of this body, any more than it is for us to tell them what is a judicial right that belongs to them. Of all despotisms upon earth, the despotism of a judiciary is the worst. It is a life estate. When that court shall make the decision foreshadowed in this opinion, they will be regarded on the pages of history as exceeding in infamy the famed Jeffreys, of England. His decisions did not undertake to grasp the liberties of a people, but were confined to individuals. Our court, broader in their grasp, undertake to usurp the rights of a nation. Jeffreys will be forgotten when the opinions of this court shall have grown into a judicial decision. Sir, that will never be. There is a peculiar fact that belongs to that court: I have been unable to find a decision contravening the party in power. While I am no prophet, I can read when "coming events cast their shadows before." We are to have the power; we are to restore the Government to what our fathers made it; we are to place it upon its original

basis; and the court will come back to the original basis.

When Texas was admitted into this Union, I was a member of the other House of Congress. I think I have a just appreciation of the influences that operated at that time. I see other men here, not members of this body, who, if they could speak, I am satisfied would corroborate what I am about to say. Texas was admitted by no vote of mine. I was willing to admit her; I so stated; but I wanted a fair compromise between the North and the South. I wanted a just and equitable division of that territory. We had adopted the Missouri compromise of 1820 as an equitable division of the territory acquired from France. I was willing to admit Texas upon the same basis. I voted for a line which made a fair and equitable division of that territory. There were some thirty or forty or fifty—I do not remember precisely how many—of the members from the North who went for it. The South laughed us to scorn. Texas was admitted, and it was admitted upon the basis of the Missouri compromise line. The territory which we acquired from France, known as the Louisiana Territory, embraced a certain area. Congress in its wisdom saw fit to run a line through it on the parallel of $36^{\circ} 30'$ as a fair division of that territory. Was it a fair division of another territory which might lie all south of that line? An arbitrary line, as a matter of just equity between the parties, could not apply to different territories. We of the North asked only that there should be a just, a fair, and equitable distribution, and we would go for it. They would not give it to us, and we went against the measure; but Texas was admitted, and it was admitted upon the basis of the Missouri compromise; and without it, I affirm here to-day, it could not have been admitted. That line as a compromise was offered. The amendment which finally prevailed in the House of Representatives, was offered by Mr. Brown, of Tennessee. He incorporated into that amendment, I think at the suggestion of the Senator from Illinois, [Mr. DOUGLAS,] that all the Territory of Texas lying north of the parallel of $36^{\circ} 30'$ should be admitted as free States, and all south as slave States. Then we were told, gravely told, that north of that line we could have two free States, while south of it there would be three slave States. On that basis it was introduced, and the bill was passed. What is the state of the case to-day? In 1854 you obliterated every right which the North had to secure free States north of that line, and you came up here to-day and tell us that slavery is the basis of this Government, and while it remains a Territory (citing the opinion of the court) we have no right by act of Congress to exclude slavery, or to authorize the people of a Territory to exclude slavery.

Was it good faith—ay, sir, far above legislative faith—was it good faith on the part of the South having asked of the North to admit Texas in that way, (Mr. Calhoun, in his famous letter to Mr. King, then our Minister at the Court of France, affirming that it was done for the sole purpose of securing the interests of slavery,) to obliterate that line which you said gave us two free States? You did it by the act of 1854. I do not deny that the act of 1820 was legislatively repealable; but there is a sense of honor, there is a sense of right, there is a sense of propriety, that ought to gov-

ern men, which ought to rise superior to the mere exercise of power. You repealed that line, and for what purpose did you repeal it? I may discuss that proposition in another branch of the suggestions which I propose to make. You repealed it for the sole purpose of extending human slavery. I do not mean to accuse Senators individually with that motive. I mean to speak of public acts; and I form my opinion of those public acts from that which is their necessary and inevitable result. The faith of the North has never been broken; where are your specifications? The faith of the South is inviolate; has always been kept! So says the Senator from South Carolina.

Mr. President, in all parties there is some particular interest that controls their action. In other words, while party associations are formed, there is in the association, whatever it may be, a controlling influence and direction to that party as it exists. What are the influences that control what is called the Democratic party—I say called—yes, sir, called; and it is a burlesque indeed to speak of that party which controls upon the other side of the Chamber, as a Democratic party. It adopts none of the maxims of Democracy, none of the maxims which we suppose belong to a Democratic party—a free Government, a liberal Government, in which the rights of the people are to be paramount. No, sir, it does no such thing; and it is therefore a burlesque. Besides, it is a party in the leading-strings of its old political opponents. Here is the Senator from Louisiana, [Mr. BENJAMIN,] whose social relations with myself are, I think, kind, at least; there is the Senator from Georgia, who sits on his right, [Mr. TOOMBS]—old, tried, and trained warriors in the Whig party, when there was a Whig party, able and eloquent. What you call the Democratic party to-day in this Senate is under their lead. The other side of the Chamber bows to their behests, and well it may. They are the brains, as well as the eloquence of the party. Go to the other Chamber, and you will find the distinguished member from Georgia, [Mr. STEPHENS,] and another member from North Carolina no less distinguished, [Mr. CLINGMAN,] as the leaders of modern Democracy there. Trained in the school of the ancient Whig party, they come up each as an Ajax Telamon of modern Democracy. Indeed the Senator from Georgia says that the Whigs at the South, with generosity, came in, in great numbers, to the support of the Democratic party. I repeat that it is a burlesque; it is supremely ridiculous to talk about a Democratic party as being the present organization of a party known by that name. What is it? That is my purpose to show. It is, I think, clear and demonstrable that the Democratic party to-day is the embodiment, the refinement of what comes from South Carolina.

All parties, I have said, are directed more or less by certain influences within their organization. The Democratic party, so called, is in the control of South Carolina. I remember when Mr. Calhoun offered his resolutions here, only a few years ago, in relation to the powers of Government over slavery in the Territories—I refer to the resolutions which he offered about the days of the compromise. The Senator from New York [Mr. SEWARD] remembers how they were laughed and scouted from the Senate. They are in the

Senate to-day; they are the basis of your Democratic party; they are now triumphant in every branch of the Government; they are triumphant here; they are triumphant in the other branch of Congress, one of its very worthy and distinguished members being its Presiding Officer. They are here by your action, and you fasten your power upon the Executive at the other end of the avenue. Democracy in 1858 means the nullification doctrines of South Carolina in times gone by. It is so. I say you have the Senate, and you have the Congress. I have no earthly doubt as to what is to be the fate of this measure in this branch of the Government. I have no doubt as to what will be its fate in the other House. I affirm, therefore, that you have got this branch of the Government. That you have the Executive is clear. While he told his subordinate, the Governor of Kansas, that he must insist upon the submission of the Leecompton constitution to the people for their vote of approval or rejection, he has yielded all, and tells you now that you must adopt the constitution, notwithstanding there is ten thousand majority against it. You have the Supreme Court, because they say in their opinion that—

“For more than a century before the adoption of the Constitution they had regarded negroes as beings of an inferior order, and possessed of no rights”—

mark the words—

—“which a white man was bound to respect.”

Is there a beast that toils in any State—I speak of beasts—where legislation has not thrown around it a protecting care that it shall not be abused by its owner? Is there a slave State where slavery exists intensified, where your Legislature have not protected the rights of person in the slave? It is an inhuman expression. It is historically untrue besides.

But, sir, what you call the Democracy have improved upon that doctrine. If you pass this bill, (and who doubts that you will?) they come to the same conclusion; and they go further; for, while the court decide that colored men have no rights that you are bound to respect, they affirm that majorities of white men in the Territories have no rights that the Democratic party are bound to respect. That is the conclusion. It is the logical conclusion from your acts. The court, I thought, went a great way. It is a revolting—I repeat once more—it is an inhuman expression. They said that was the sentiment of the revolutionary times; I mean to quote them correctly. I say it is historically incorrect. But improving on that doctrine, that black men, for a century before the Constitution, had no rights that a white man was bound to respect, modern Democracy claims that a majority of free white men in your Territories have no rights that it is bound to respect.

Mr. DURKEE. That is the doctrine of progress?

Mr. HAMLIN. That is the doctrine of progress, as my friend says. Yes, sir, it is the doctrine of progress; but such a progress! I think it is that kind of progress that the boy made in going to his daily toils at school. There had been snow and rain, and the ground was very slippery, and he arrived at a very late hour. On being reprimanded by his instructor for not getting there earlier, he said that on taking a step forward he always fell two steps behind. “Then pray, sir, how did you ever arrive?” “Why, after

struggling a long while I turned around and went backwards." [Laughter.]

This doctrine, I think, is modern Democracy, intensified and explained by the Senator from South Carolina. I pass now to the discussion of another position which he has assumed. He told us, "the poor ye always have with you." That is true; there is no denial of the fact. There is, however, another maxim of the same good book, which he might have quoted with just as much propriety, and just as great truth: "Do ye unto others as ye would that others should do unto you, for this is the law and the prophets." Does poverty imply crime? Does poverty imply servitude? Does poverty imply slavery? I join issue with the Senator there. In all climes, in all countries, and in all ages, there are poor. Because men are poor, does that imply that they are to be placed on the same basis with persons who are subjugated, and who toil in the chains of slavery? I deny it. There is a prompting of the heart, there is a principle of Christian benevolence, that tells you, and tells me, and tells us all, that if there are poor, it is our duty to alleviate their poverty, and to remove their distress—not, because they are poor, to class them in the same condition with negro slaves. I grant that poverty necessarily produces a greater degree of dependence of the poor upon other classes, than would exist in another state of circumstances; but because a man is poor, does that discharge you from the obligations which you owe to him as a fellow-citizen? Because he is poor, does that relieve you from the obligation which you owe to him as a citizen of the community, and as a Christian? Surely not; and that dependence does not create slavery. Look over the world, and you find that poverty is produced from a variety of circumstances. It may be by misfortune; generally, I think, by improvidence. It may be by devastating elements. It may be by causes over which the individual has no control. No matter what are the causes, if they operate upon the individual he is entitled to your sympathies and to your Christian benevolence; and God forbid that you should class him with the slave that toils only to live, and lives only to toil. It may be, sir, that the influence of slavery is calculated, if not designed, to produce that state of things; but if its tendencies are to produce that state of things, still, to place the poor on the same basis with the negro slave, who does not own himself, is unjust and illogical.

But, sir, while the Senator charges us with having, in all our large cities, a very considerable number of persons who obtain alms from beggary; while he asserts that there are more paupers in the streets of New York than are to be found in the whole South; still, is it not true that in all cities, in all large places, you witness always the trappings of wealth, and that misery which is incident to poverty? Is it not as true of the South as of the North? While we have large hordes of that class of men in the great cities of the North, is it not true that vast portions of them come even from the South, and congregate there and ask alms at our hands?

It is true "the poor ye always have with you." It is the fiat of the Almighty. You have them at the South, we have them at the North. I do not believe that in the North, outside of our cities, and

exclusive of those who come from foreign countries, and who are poured out upon us to some extent from foreign alms-houses and prisons, there is among our people as much of poverty as there is in the South. What are the facts in relation to this matter? I have very little personal knowledge as to the state of things in the South, but I choose to quote the authority of some southern men for the purpose of showing what is the condition of their poor. I think I am justified in doing it. Go abroad amidst our rural population, and you will find that to the great mass of our people beggars are unknown. We have them not, and we know them not. That we have objects of charity, when a devastating element may sweep away the productions of years from our neighbors and our friends—that we have such cases, where we ought to bestow, and do bestow our alms, I do not deny; but in the great mass of our countrymen among our rural population, beggary is unknown, and of those who congregate in our large cities, a fair proportion is from your own section.

I propose to read a few extracts, and among others one from a speech of the Senator from South Carolina himself, in relation to the condition of your poor at the South. I shall read first an extract from a production of Mr. William Gregg, of Charleston, South Carolina, a gentleman of whom I know nothing except that I understand him to be a man of respectability, and entitled to confidence. He says:

"From the best estimates that I have been able to make, I put down the white people who ought to work and who do not, or who are so employed as to be wholly unproductive to the State, at one hundred and twenty-five thousand."

"Any man who is an observer of things could hardly pass through our country without being struck with the fact that all the capital, enterprise, and intelligence is employed in directing slave labor; and the consequence is, that a large portion of our poor white people are wholly neglected, and are suffered to while away an existence in a state but one step in advance of the Indian of the forest."

I shall read next an extract from an address of the Senator from South Carolina himself, delivered before the South Carolina Institute, in 1850. On that occasion, speaking of the poor whites of the South, he used this language:

"They obtain a precarious subsistence by occasional jobs, by hunting, by fishing, by plundering fields or folds, and too often by what is in its effects far worse—trading with slaves, and seducing them to plunder for their benefit."

I shall read next an extract from the Review of Mr. De Bow, a man earnestly devoted to southern institutions, and, I think it may be said with truth, who publishes a periodical which is designed and calculated to advance and promote their interests. Speaking of the labor of the South, and the effect that would be produced by the establishment of manufactures, he says:

"A demand for labor in such establishments is all that is necessary to raise this class from want and beggary and (too frequently) moral degradation, to a state of comfort, comparative independence, and moral and social respectability. Besides this, thousands of such would naturally come together as residents in manufacturing villages, where, with very little trouble and expense, they might receive a common school education, instead of growing up in profound ignorance."

"The superior grades of female labor may be considered such as imply a necessity for education on the part of the employed, while the menial class is generally regarded as of the lowest; and in a slave State, this standard is 'in the lowest depths, a lower deep,' from the fact that, by association, it is a reduction of the white servant to the level of their colored fellow-menials."

I doubt not the truth of that remark. Whatever may be our obligations to all mankind; whatever in truth and principle may be demanded of us toward all races, there ought at least to be in our hearts something that shall respond to the wants of our own Caucasian race. If we have no sympathy; if we have no feeling whatever for other races, we may be pardoned, at least, if we would honestly incorporate and advance in our Government that system which will elevate our own race. How degraded they are, how low they are, is to be judged only of the men whom you see when brought into competition with that very class of men. But, sir, I will read other extracts. I read from the Virginia Dispatch, a paper published at Richmond, Virginia:

"We will only suppose that the ready-made shoes imported into this city from the North, and sold here, were manufactured in Richmond. What a great addition it would be to the means of employment! How many boys and females would find the means of earning their bread, who are now suffering for a regular supply of the necessities of life!"

"The poor ye have always with you." Are the poor confined to the North? I have read authorities from southern men. I have read only from those whom I presume to be conversant with the condition of the white men who toil there, and I cannot resist the conclusion that the Senator from South Carolina has drawn his ideas of our laborers from what he sees at home. Sir, whatever may be our poverty, I think I can affirm here to-day, that for all the great and noble enterprises, for all the benevolence which distinguishes man, Boston alone contributes more annually than all the South.

But I pass from the consideration of that question to still another presented by the Senator from South Carolina, and I may add, perhaps, that it is a question upon which I feel more keenly than upon any other. I pass to the consideration of that point which he has raised in relation to the character of the laborers of the North. I do not believe, with that frankness which has marked all that the Senator has said, that he has designed to rise here and utter a libel upon our working and laboring men. No, sir; I believe he has drawn his conclusions from what he has seen at home, and I do not know but that he has drawn some conclusions from the servility he has witnessed here. If he has, I desire to disabuse the Senator of what I think are his erroneous premises, and consequently, his erroneous conclusions. I want to do the Senator no injustice; surely I will not; and to be certain that I do him no injustice, I will send to the Secretary and ask him to read some paragraphs from what I suppose is the corrected speech of the Senator, commencing at the last paragraph on page 13 of the pamphlet, and concluding on page 15.

The Secretary read as follows:

"In all social systems there must be a class to do the menial duties, to perform the drudgery of life. That is a class requiring but a low order of intellect and but little skill. Its requisites are vigor, docility, fidelity. Such a class you must have, or you would not have that other class which leads progress, civilization, and refinement. It constitutes the very mud-sill of society and of political government; and you might as well attempt to build a house in the air as to build either the one or the other except on this mud sill. Fortunately for the South, she found a race adapted to that purpose to her hand—a race inferior to her own, but eminently qualified in temper, in vigor, in docility, in capacity to stand the climate, to answer all her purposes. We use

them for our purpose, and call them slaves. We found them slaves by the 'common consent of mankind,' which, according to Cicero, '*lex nature est*;' the highest proof of what is Nature's law. We are old-fashioned at the South yet; it is a word discarded now by 'ears polite'; I will not characterize that class at the North with that term; but you have it; it is there; it is everywhere; it is eternal.

"The Senator from New York said yesterday that the whole world had abolished slavery. Ay, the name, but not the thing; all the powers of the earth cannot abolish that. God only can do it when he repeals the *fiat*, 'the poor ye always have with you' for the man who lives by daily labor, and scarcely lives at that, and who has to put out his labor in the market, and take the best he can get for it; in short, your whole class of manual laborers and 'operatives,' as you call them, are essentially slaves."

Mr. HAMMOND. I beg leave to interpolate a word at this point. This speech was corrected very hastily, and on looking over it I have made some other corrections. I wish to insert the word "hiring" in the clause which has just been read, so that it shall read: "Your whole class of hiring manual laborers and 'operatives,' as you call them, are essentially slaves."

The Secretary continued to read the extract from Mr. HAMMOND's speech as follows:

"The difference between us is, that our slaves are hired for life and well compensated; there is no starvation, no begging, no want of employment among our people, and not too much employment either. Yours are hired by the day, not cared for, and scantily compensated, which may be proved in the most painful manner, at any hour in any street in any of your large towns. Why, you meet more heggars in one day, in any single street of the city of New York, than you would meet in a lifetime in the whole South. We do not think that whites should be slaves either by law or necessity. Our slaves are black, of another and inferior race. The status in which we have placed them is an elevation. They are elevated from the condition in which God first created them, by being made our slaves. None of that race on the whole face of the globe can be compared with the slaves of the South. They are happy, content, un-aspiring, and utterly incapable, from intellectual weakness, ever to give us any trouble by their aspirations. Yours are white, of your own race; you are brothers of one blood. They are your equals in natural endowment of intellect, and they feel galled by their degradation. Our slaves do not vote. We give them no political power. Yours do vote, and being the majority, they are the depositaries of all your political power. If they knew the tremendous secret, that the ballot-box is stronger than 'an army with banners,' and could combine, where would you be? Your society would be reconstructed, your government overthrown, your property divided, not as they have mistakenly attempted to initiate such proceedings by meeting in parks, with arms in their hands, but by the quiet process of the ballot box. You have been making war upon us to our very heartstones. How would you like for us to send lecturers and agitators North, to teach these people this, to aid in combining, and to lead them?"

Mr. HAMLIN. I accept the modification which the Senator from South Carolina proposes to make. It is but just; it is but fair to allow it. I do not see, however, that the modification which the Senator has seen fit to make substantially changes the position which he assumed in his speech.

In my judgment the Senator from South Carolina—I assure him I say it in kindness—has mistaken the character of our laborers and their position. I do not think he would designedly assign to them a position to which they do not belong; and I have said that, in my opinion, he has come to the conclusion that our laborers occupy precisely the same position as those whom he sees in his own vicinity. I do not say that even that is so, but I say such is my conclusion. I am frank to admit that I know very little of the character of the laborers who toil beside the slave, but I have seen something of it. I have seen what has

satisfied me that they have little intelligence; that they were poorly clothed; and that, while they felt themselves above them, they were actually in the social scale below the slaves. I remember, sir, that upon the banks of the Potomac I once heard a negro taunt a white man that he was so poor that he had not a master; and when I looked at the poor white man I confess that I thought there was some truth in the taunt of the negro.

Now, my word for it, the Senator from South Carolina has mistaken the character of our population and our laborers. I stand here the representative of northern laborers. I wish they had a better and abler representative in my stead; but such as I am, they have sent me here; such as I am, I will vindicate their rights.

WEDNESDAY, *March 10.*

Mr. President, when the hour arrived yesterday which was specially assigned for the consideration of executive matters, I was interrupted at that point at which I was about to express my opinions of what had been said by the Senator from South Carolina in relation to the character of the laboring classes at the North. I was remarking that the Senator from South Carolina had mistaken the character of our laboring men—I speak of those who are “hiring manual laborers,” for that is his expression, in its modified form. I think the Senator has fallen into an error in his estimate of the character of our laborers, and it may have arisen from a variety of causes. Our Government was indeed an experiment. It was established for the purpose of testing the capacity of man for self-government. Anterior to that period of time, during which Governments had existed which were called free, there had been none which had founded their institutions upon the principles upon which ours were proposed to be based. Under the freest governments that had ever existed, there were prerogatives and rights secured to power, and laws creating privileged classes; but it was the object and intention of the founders of our Government to do away with such a state of things, which had existed theretofore in every Government in the world. Ours was to be a Government resting on the consent of the governed. That was the object. We sought to take away the prerogatives which gathered around the governing power, and to establish a Government amongst us that should elevate man intellectually and politically to that sphere and to that position to which he was justly entitled.

When the Senator from South Carolina undertakes to draw imaginary distinctions between classes of laborers, he goes back to the old, the worn, the rotten, and the discarded systems of ages that have long since passed. I tell that Senator what is true, that we draw no imaginary distinctions between our different classes of laborers—none whatever. “Manual laborers!” Well, sir, who are the manual laborers of the North, that are degraded and placed beside the slave of the South by the Senator from South Carolina? Who are our manual laborers? Sir, all classes in our community are manual laborers; and, to a greater or less extent, they are hiring manual laborers. They constitute, I affirm, a majority of our community—those who labor for compensation.

I do not know, I confess I cannot understand, that distinction which allows a man to make a contract for the service of his brains, but denies him the right to make a contract for the service of his hands. There is no distinction whatever between them. We draw none; we make none. Who are that class of citizens in our community who are its hirelings? That is the term. I do not know whether he designs it as opprobrious; but that is the term with which he designates our laborers of the North. This is modern Democracy!

Who are our “hiring manual laborers” of the North? Sir, I can tell that Senator that they are not the mud-sills of our community. They are the men who clear away our forests. They are the men who make the green hill-side blossom. They are the men who build our ships and who navigate them. They are the men who build our towns, and who inhabit them. They are the men who constitute the great mass of our community. Sir, they are not only the pillars that support our Government, but they are the capitals that adorn the very pillars. They are not to be classed with the slave. Our laboring men have homes; they have wives; they have little ones, dependent on them for support and maintenance; and they are just so many incentives and so much stimulus to action. The laboring man, with us, knows for whom he toils; and when he toils he knows that he is to return to that home where comfort and pleasure and all the domestic associations cluster around the social hearthstone. Northern laborers are “hirelings,” and are to be classed with the negro slave!

Besides that, the men who labor in our community are the men whom we clothe with power. They are the men who exercise the prerogatives of the State. They are the men who, after having been clothed with power there, are sent abroad to represent us elsewhere. They do our legislation at home. They support the State. They are the State. They are men, high-minded men. They read; they watch you in these Halls every day; and through all our community the doings of this branch, and of the other, are as well understood, and perhaps even better, than we understand them ourselves. I affirm that, throughout our community, the proceedings of Congress are more extensively and accurately read than even by ourselves. These are the men who are to be classed by the side of the slave! I think it is true that, in about every three generations at most, the wheel entirely performs its revolution. You rarely find a fortune continuing beyond three generations in this country, in the same family.

That class of our community, constituting a very large majority, has been designated here as hiring laborers, white slaves! Why, sir, does labor imply slavery? Because they toil, because they pursue a course which enables them to support their wives and their families, even if it be by daily manual labor, does that necessarily imply servitude? Far from it. I affirm that the great portion of our laborers at the North own their homes, and they labor to adorn them. They own their own homes, and if you will visit them you will find in nearly all of them a portion, at least, of the literature of the times, which shows that they read; you will find there evidences to satisfy you beyond all doubt that they are intelligent,

and that they are in truth and in fact precisely what I have described them to be—the pillars of the State, the State itself, and the very ornaments and capitals that adorn the columns. With them the acquisition of knowledge is not a crime.

I have quoted all that the Senator from South Carolina has said on this point for the purpose of giving the widest circulation I can to the declarations he has made. He has mistaken, I doubt not, the character of our laborers by judging them from what he has seen in his own vicinity, and what, in my judgment, is produced by that very state of servitude which is there existing. It is my duty to vindicate our laborers. My only regret is that I can do it no more efficiently.

Mr. President, I occupied yesterday more of the time of the Senate than I proposed to do, and I will now hasten on with the few suggestions I design to make this morning; and I trust I shall not weary the Senate. I come now to the last proposition of the Senator from South Carolina, which I propose to examine. He told us that the exports of a country exhibit its true wealth. I do not wish to misstate the Senator; and if he will give me his attention for a single instant, I will state his proposition as I gather it from his remarks. He affirms that the surplus product of a country is its wealth, and that that surplus product is exhibited in the amount of its exportations. I propose to examine that proposition. It is unsound; it is untrue. I do not deny that the exportations of a country may exhibit its surplus product.

Now, sir, I assert that the exports of a country may or may not show its wealth, or its surplus of wealth. Is it not true that a country may produce a given article and export it all, receiving in return whatever they may purchase with it, and consume all that is received in return? Is it not equally true that a country may produce that which it consumes and consume it all? I should like to know what would be the difference between two communities—the one producing what it consumes and consuming it; the other raising and exporting a raw material and then consuming the whole amount of that raw material in the articles that are returned in exchange? What is the difference between those two communities in point of wealth? None whatever. But while the southern section of this country is principally an agricultural country; and while I know they furnish in the aggregate a very great amount of our foreign exportations, consisting of articles in a raw state, it does not follow that all those exportations are excess of wealth, after paying their own debts, after supporting their own families, after paying their own taxes, after liquidating all the variety of demands which they are obliged by law to pay. Because the South exports \$100,000,000 of cotton, it does not follow that those \$100,000,000 are a surplus, any more than because the North produces its \$800,000,000 of manufactured articles, it follows that it has thereby produced that much of surplus.

What, then, is the true indication? What is the truth of this matter? If the Senator from South Carolina will tell me, if he can by any process ascertain, how much you export, and just how much you expend, then he and I will both arrive at what is the surplus left; but until he can tell

me that, neither he nor any other person can give the surplus of the country. When I tell that Senator what is the amount that we manufacture at the North, and what is the amount that we annually use, then, and only then, he can tell me what is the net surplus. I know of no method by which this is to be arrived at mathematically; it cannot be. What are the evidences? We must look at the community, and we must gather from the community, and from all the facts that present themselves, the best evidence to show what is the surplus of the country, whether it arises from exportation or from home production.

Now, what is the truth in relation to the productions of the South? If the position assumed by the honorable Senator be correct, it must be indeed wealthy; it must indeed exceed in its net products any country on the face of the globe, or any country that has ever existed. But, sir, I believe that when that Senator shall look carefully into the matter, he will find—indeed he says so in his speech—that they consume their part of the importation of \$333,000,000, and which are principally paid for by their exportations. Take that statement of the Senator himself, and I think it is a perfect answer to his whole position. He says they export a certain amount, and then he says they eat that up, or their proportion of it; and if they eat up their proportion of it, they eat up the whole amount of it. What are the evidences by which we are to gather what is the surplus wealth of a country, which arises from exportations or home productions—I mean the net wealth, the net surplus, because it is not a matter of any importance whatever whether we produce it ourselves or whether we send it abroad, and receive in exchange what we do not produce. If we consume the whole, in either case the result is just the same. I think that the South do not, in truth or in fact, produce any large sum beyond that which they consume; and I think the evidences all around us show pretty conclusively that they have no such surplus as is claimed.

I propose to read an extract from a work written upon slavery by a southern man—a man devoted to the institution—for the purpose of showing the manner in which the soil of the South has been deteriorated by a long-continued process of cropping. This work gives an opinion, which I doubt not is generally accurate, of the character of the country. I read from the work of Mr. Tarver, of Missouri, on the industrial resources of the South and the West:

“Examples may be found in our own country of States having become poorer by a steady perseverance in an unwise application of their labor. Such is the case in the Atlantic States south of the Potomac, as I think will be granted by every intelligent and candid individual who is acquainted with the country, and I think it will be admitted that these States are poorer than they were twenty years ago. There is a small increase in the number of laborers, and there may have been something gained by skill; but the great source of all wealth in an agricultural country—the soil—has been greatly deteriorated and diminished.

“If one acquainted with the present condition of the Southwest were told that the cotton-growing district alone had sold the crop for fifty million dollars per annum for the last twenty years, he would naturally conclude that this must be the richest community in the world. He might well imagine that the planters all dwell in palaces, upon estates improved by every device of art, and that their most common utensils were made of the precious metals; that canals, turnpikes, railways, and every other improvement, designed either for use or ornament, abounded in every part

of the land. He would conclude that the most splendid edifices, dedicated to the purposes of religion and learning, were everywhere to be found, and that all the liberal arts had here found their reward and a home. But what would be his surprise when told that, so far from dwelling in palaces, many of these planters dwell in habitations of the most primitive construction; that, instead of any artistic improvement, this rude dwelling was surrounded by cotton fields, or probably by fields exhausted, washed into gullies, and abandoned; that, instead of canals, the navigable streams remain unimproved; that the common roads of the country were scarcely passable; that the edifices erected for the accommodation of religion and learning were frequently built of logs, and covered with boards; and that the fine arts were but little encouraged or cared for? Upon receiving this information, he would imagine that this was surely the country of misers—that they had been hoarding up all the money of the world, to the great detriment of the balance of mankind. But his surprise would be greatly increased, when informed that, instead of being misers and hoarders of money, these people were generally scarce of it, and many of them embarrassed and bankrupt. I think it would puzzle the most observing individual in the country to account for so strange a result. No mind can look back upon the history of this region for the last twenty years, and not feel convinced that the labor bestowed in cotton growing has been a total loss to this part of the country. The country of its production has gained nothing, and lost much. More than all, in the transportation of its produce, it has transported much of the productive and essential principles of its soil, which can never be returned, thereby sapping the very foundation of its wealth."

Such is the opinion of a very distinguished man from the State of Missouri. It is that state of things which might be presumed to exist, and would necessarily exist, in any community whose consumption equaled its production. Now, let me read an extract from a speech delivered by Governor Wise during his canvass in Virginia:

"Commerce has long ago spread her sails, and sailed away from you. You have not, as yet, dug more than coal enough to warm yourselves at your own hearth; you have seen no tilt hammer of Vulcan to strike blows worthy of gods in your own iron foundries; you have not yet spun more than coarse cotton enough, in the way of manufacture, to clothe your own slaves. You have no commerce, no mining, no manufactures. You have relied alone on the single power of agriculture—and such agriculture" * * * * *

"The landlord has skinned the tenant, and the tenant has skinned the land, until all have grown poor together."

I should not adopt the line of argument I propose, but for the course pursued by the Senator himself. He sets down the exports of the country at \$279,000,000, excluding gold and silver. Of that sum, he claims, \$158,000,000 are the clear productions of the South. He then says there are \$80,000,000 productions of the forest, bread-stuffs, and provisions exported. Of these articles he assumes the South make one third; that, added to the \$158,000,000, makes the exportations of the South \$185,000,000, leaving for the North but \$95,000,000, or a little less. To these exports of the South, so ascertained, he adds, for articles sent to the North, \$35,000,000; thus making the surplus productions of the South \$220,000,000. He treats the articles sent North in the same manner as foreign exportations. I think that is right, because it is just as much an export from the South to the North as it would be if it were to a foreign country; for whatever may be there produced, if sent out of the limits of the State, and an equivalent is returned, what matters it to the producer whether he gets his return from a neighboring State or a foreign country? I think the Senator, therefore, is clearly right in that respect. He makes his total amount of southern exportations \$220,000,000, I think. Am I right?

Mr. HAMMOND. Yes, sir.

Mr. HAMLIN. And that he assumes is the

net production of the South. In the first place, in his basis of calculation, he excludes, in the exportations, gold and silver. Now, I should like to know why gold and silver are not productions of a country as much as cotton, rice, or tobacco. I take all the exports of the country, including everything which we send abroad, which is not of foreign growth, and reexported. I take everything which is the production of the country as showing the true amount of what we export. I affirm that I might with just as much propriety contend here to-day that the importations show the surplus wealth of the country, as that the exports of the country show that surplus wealth. The one would be just about as true as the other.

What were the exportations during the last year? The exports for the year ending June 30, 1857, from the free States, were \$174,049,048; and from the southern or slave States, \$164,936,017, showing an excess of exportations from the northern States over the southern States of \$9,113,031. This table shows all the exports. It includes gold and silver, which are as much a part of the production of your country as any article you can name. It is exported from the North. It is dug out of the mines in California; but I do not care where it comes from for this purpose. It may come from a foreign country. If we get it, we either produce it by digging it, or we buy it in exchange for what we have to sell, and before we export it abroad it is in our hands, and it is the evidence of just so much wealth. Nay, sir, it is the standard of all other commodities. It is the standard all over the civilized world. It is the standard by which all other values are measured.

Now, then, the exportations of the North exceed those of the South; but the Senator from South Carolina, after fixing the exportations of the South to foreign countries and to the North at \$220,000,000, gives to the North \$95,000,000 of exports. On that, or assuming the exportations North and South as equal, he says we at the North produce about twelve dollars per head, while at the South you produce \$16 66. Mr. President, I assure the Senator that he has done injustice to his own State; he has done injustice to his own section, because he has limited their production to \$16 66 per head, per annum. Why, sir, it is vastly more than that.

Mr. HAMMOND. I did not say the production; but the export production amounted to that.

Mr. HAMLIN. I thought the gentleman had accumulated the whole wealth of the country into its exports, and said that yielded to the population a sum equal to \$16 66 to each individual at the South. I say that the Senator, if he had assumed that position, would not have done justice to his own section, because the productions which they do export by no means constitute all the wealth of that section of country, as I shall proceed to show. They are not a moiety of them. I do not know, indeed, that they are one fourth part of them. They are a great way below the aggregate. The importations into the country last year were, in the aggregate, \$319,405,432 to the northern States, and \$41,484,709 to the southern States; leaving a balance of \$277,920,723 in favor of the North. Does that show a surplus at the North of that amount over the South? Surely it does not. I make no such pretension; but still I affirm that I might with just as much propriety

insist that our capacity to pay for imported articles was as good evidence of the net surplus of that section as the Senator can contend that the amount which the South export is their net production. It is not true in either case. The productions of the country, North and South, are vastly greater than is shown by exportations or importations, or both combined.

Where, then, sir, are we to find the true evidences of what constitute the net productions of any country? The Senator from South Carolina does not like the census tables. He complains frequently of them. Well, sir, they were arranged, if not by a gentleman from his own State, by a very distinguished southern man, whose opinions, whose sympathies, whose predilections, are all with him.

The census of the South was taken by southern men; the census of the North was taken by northern men; and then the calculations which were required were made by Mr. De Bow, a very distinguished man—a good deal of a financier, I am willing to admit, but with all the prejudices that would surely arise in his own bosom in favor of the South. I therefore go to his tables for the purpose of presenting what are the evidences of the prosperity of the different sections. I think they afford the best evidence that we can lay our hands upon as to the surplus of the different parts of the country.

Mr. TOOMBS. Will the Senator allow me to interrupt him?

Mr. HAMLIN. Yes, sir.

Mr. TOOMBS. It is a matter of no consequence in reference to the argument; but I want to put a fact right; and that may be of some consequence. The census was compiled, and it was very well done, indeed, by Mr. Kennedy—not by Mr. De Bow. He came in just before the publication, and had nothing to do with the agricultural statistics. I am not complaining of them. I think they were very badly taken in some places. But a vast amount of matter was collected, for which Mr. Kennedy is entitled to credit, and he claims it justly. Little or nothing of it was done by Mr. De Bow; for he did not come in until they were nearly all prepared for publication.

Mr. HAMLIN. I know very well that Mr. Kennedy was originally at the head of the bureau of census statistics. I was brought into frequent communication with Mr. De Bow after his appointment, and it is my recollection that the whole matter underwent his revision. But it is not material; nor is it material that there may have been some things omitted from the census returns. The facts there presented, we cannot avoid, and I am confident are correct and reliable.

Now, I put the question, what are the best evidences that we can have of what is the surplus production of a country? Its exports may be one, its imports may be another; but I insist that there are still other and important evidences which go to show what is the surplus production of a country. First, its schools; second, its progress in population; third, its agricultural productions and its improved state of agriculture; fourth, its manufactures; fifth, its ships; sixth, its railroads; and seventh, its capacity for war. There are others—these are the principal ones. The latter three are those which are offered by the Senator from South Carolina himself, as the evidence of the wealth

of a country. I read from what that Senator said:

“You may estimate what is made throughout the country from these census books, but it is no matter how much is made if it is all consumed.”

I grant that.

“If a man possess millions of dollars and consumes his income, is he rich? Is he competent to embark in any new enterprise? Can he build ships or railroads? And could a people in that condition build ships and roads, or go to war?”

The exhibition of the wealth of a country is to be found in those three things. I add to them those which I have named. I propose to show briefly, mainly but not wholly, from the census statistics, what has been the progress of the various sections of country on all the great branches to which I have alluded, and which I affirm show conclusively its prosperity; and I come first to schools. The census of 1850 shows that in the free States there were then 3,179 academies and private schools; in the slave States, 2,797. Their teachers in the free States were 7,175; in the slave States, 4,913. Their pupils in the free States were 154,893; in the slave States, 104,976. Their annual income in the free States was \$2,457,372; in the slave States, \$2,079,742. The total amount invested in schools and in colleges in the free States was \$2,940,125; in the slave States, \$699,079. The number of public schools in the free States was 62,433; in the slave States, 18,509. Their teachers in the free States, 72,621; in the slave States, 19,307. Their pupils in the free States, 2,769,901; in the slave States, 581,861. Their annual income in the free States was \$6,780,337; and in the slave States, \$2,719,534. The number of libraries, other than private, was, in the free States, 14,911; in the slave States, 695. The number of volumes in those libraries in the free States, 3,888,234; in the slave States, 649,577. That is one evidence of the intelligence of a country, and the intelligence of a country is one index of its prosperity. It is an index of a surplus, because a surplus is required to support schools.

Next, as to the progress of white population. In 1790, at the first census, there were, in the northern States, 1,900,976 white people; in the southern States, 1,271,488. In 1820 there were, in the northern States, 5,030,377 whites; in the southern States, 2,808,946. In 1850 there were, in the northern States, 13,238,670; in the southern States, 6,184,477. It will be observed that in 1790 the white population of the North exceeded that of the South about half a million; and in 1850 the white population of the North was 13,238,670; that of the South, 6,184,477. In 1790, at the first census, Virginia had a population of 748,308 whites; New York had a population of 340,120; giving Virginia a surplus of 408,188, or a little more than two to one in population over New York. How was it in 1850? In 1850 the population of New York was 3,097,394; that of Virginia 1,421,661, giving, in favor of New York, an excess of a little more than two to one, reversing precisely the ratio of population existing between those two States in 1790. I affirm that that is another evidence of the prosperity of a country, and of its actual wealth; because wealth goes along *pari passu* with population, unless there is some particular cause to prevent it.

I offer next a statement showing the number of farms and plantations, acres of improved and un-

improved land, cash value of farms, average value per acre, and value of farming implements and machinery, in the free and slave States, according to the census returns for 1850. Number of farms and plantations—free States, 877,736; slave States, 564,203. Acres of improved land—free States, 57,688,040; slave States, 54,970,427. Acres of unimproved land—free States, 50,394,734; slave States, 125,781,865. Cash value of farms—free States, \$2,143,344,437; slave States, \$1,117,649,649. Average value per acre—free States, \$19.83; slave States, \$6.18. Value of farming improvements and machinery—free States, \$85,736,658; slave States, \$65,345,625.

That shows conclusively that we improve our farms, that we add the surplus of our products to the value of our lands. It proves conclusively that while we do not cultivate so large an area, it is in value exceeding that which is cultivated at the South, and it is this improved condition of our agriculture and this improved condition of our farms that shows the prosperity of our country. I shall not stop to comment on these figures. Indeed, if I were to deal in figures of rhetoric, they could add no force to these figures of arithmetic.

I next, as another and one of the best evidences which I think I can present to the Senate of the surplus product of the country, exhibit a table which shows the amount of live-stock and its value in 1850, and the value of all the agricultural productions. I find that in the free States the whole amount of agricultural productions and the value of live-stock (and we know that our friends of the South exceed us in agriculture) is \$709,177,527, and in the slave States \$634,570,057. While our southern brethren exceed us in agriculture relatively, still it will be seen that in the aggregate, upon every point we exceed them. Our population is twice as large, but then we are bound to dig in our sterile land and in our cold and forbidding climate, and I think the exhibition of a surplus of products, on the part of the North, shows that we have more surplus after the consumption which is required for our people than is found at the South.

But, sir, I come to another table, which shows the number of individuals and establishments engaged in manufactures, the amount of capital invested in such establishments, the value of the raw material used, the number of hands employed, the annual wages paid, the annual product, and the annual profit of such manufactures in the free and slave States, according to the census returns of 1850. Number of individuals and establishments—free States, 93,721; slave States, 27,645. Capital—free States, \$430,240,051; slave States, \$95,029,879. Value of raw material used—free States, \$465,844,092; slave States, \$86,190,639. Hands employed—free States, male, 576,954; female, 203,622; slave States, male, 140,377; female, 21,360. Annual wages—free States, \$195,976,453; slave States, \$33,257,560. Annual product—free States, \$842,586,058; slave States, \$165,413,027. Annual profit, according to De Bow—free States, \$376,741,966; slave States, \$79,222,388.

The amount of manufactured articles is more than \$842,000,000 at the North; at the South, \$165,000,000; and the annual profits at the North are \$376,000,000; at the South, \$79,000,000; leaving an excess of profits on manufactured articles at the North of about \$300,000,000.

For the purpose of measuring the surplus wealth of the respective sections, I come now to test it by the rules which the Senator from South Carolina himself has laid down. He asserts that the surplus products of a country are to be exhibited in the capacity of its people to build ships and railroads and to go to war. These are the indications of the prosperity and of the surplus revenue of a country, as advanced by the Senator himself. While I do not admit that they are the only indications, I acknowledge that they are great and true ones; and while I contend that other great branches of industry to which I have alluded are equally sure and certain indices of the prosperity of a country, still, when I come to the very standard that he himself has erected, I find a state of things which I shall now present. Where is the navigation of the country? Who has the capacity to build ships? That is the first point made by the Senator; and I answer that amid the cold regions of the North, where we can do little else, we build ships. We can come down with them to you, and carry your products, and I trust you will allow us to do so when we carry them as cheap as anybody else. Of the tonnage of the United States for the year ending June 30, 1857, we have 4,102,491 tons; the South 333,352 tons; showing in favor of the North more than twelve tons to one. The tonnage built at the North during the year ending June 30, 1855—and I take these tables from our latest reports on commerce and navigation—was 528,844 tons; built at the South, 52,959 tons; being about ten to one.

I find, from the last reports which I can obtain, that in the northern States, which embrace an area, as we all know, of some 200,000 square miles less than the South, we have 17,855 miles of railroad, while at the South they have 6,559 miles, or nearly three miles to one. I find that the canals in operation at the North are 3,682 miles, and at the South 1,116 miles. That is the standard by which the Senator himself has sought to measure the surplus products of the country. I think they are very true evidences, not conclusive, not embracing all the elements, but still they are the best of evidence to enable us to form a correct judgment of the surplus of any country, so far as they go.

I come next to the capacity of the country for a state of war; and I find, from the report of the Secretary of War, made May 10, 1790, that there were furnished, during the revolutionary war, to the Continental line and regular militia, from the northern States 218,544 men; from the southern States 71,140 men. Massachusetts alone furnished 83,092, being some 12,000 more than were furnished by the whole South.

Mr. BENJAMIN. You are wrong.

Mr. HAMLIN. I am not wrong, my friend will allow me to say. I have not, however, completed my whole statement. I say that, to the Continental line and to the regular militia, the quotas furnished are as I have named them. But, in addition, there were what were called estimated or conjectural militia returned in the report of the Secretary of War. It was a class of militia that was called out for temporary purposes, and to be used at specific points. Many of them were used to protect the Virginia Legislature, then, I think, called the House of Burgesses. Many of them were used in South Carolina to protect her legislative department when in session. That class of

conjectural militia amounted, from the northern States, to 30,950; from the southern States, to 76,810. For the regular service, either of militia or Continental line, I have stated the number made by the Secretary of War to Congress in his report. I refer to the report of General Knox, when he was Secretary of War.

But, sir, the Senator from South Carolina speaks with great emphasis of the capacity of the South for a defensive war. Was not the revolutionary war a defensive war? It surely was not an aggressive war. I know that southern men are noble, proud, gallant, and courageous. It is true of all our people. The eoward is the exception to the rule, whether you go North or South. We have very few people North who are great cowards enough to be cowards, nor have you many at the South. We are a gallant people. I respect my southern brethren highly, and I am making these comparisons only because the Senator from South Carolina, as I thought, undertook to measure the productions of all northern States, and to show the evidences of its prosperity, or want of prosperity, as based upon an exportation of \$95,000,000. He certainly did it. I have no doubt the South have capacity for a war of self-defense; they are a brave people; but I think, nevertheless, that there is not quite that harmlessness, and not quite that safety in its peculiar institution, which he says. I think the evidence of patrols all over your States, and all your institutions for discipline—I will use no other term—in your own city, show conclusively that you have some fear that one day a cry will be raised that will break upon your ear like an alarm-bell in the night; and I cannot avoid the inference that you cannot have quite that capacity, even in a war of defense, which you would have but for that very thing.

In the war of the Revolution this same State of South Carolina was called upon by the Continental Congress to furnish her quota of troops; she was asked to supply 13,800 for that war, and she did supply 5,508. Massachusetts supplied 62,000 for the Continental line. I find that in 1775 South Carolina was asked to supply no men, and she supplied none. I do not find the requisition made upon her in 1776, but she supplied 2,069. In 1777 the requisition or quota demanded of her by the Continental Congress was 4,080, and she supplied 1,650. In 1778 the quota demanded of her was 3,132, and she supplied 1,650. In 1779 no requisition was made. In 1780 the requisition was for 3,132, and she did not supply a man. In 1781 the requisition was 1,152, and she did not supply a man. In 1782 the requisition was 1,152, and she did not supply a man. In 1783 the requisition was 1,152, and she did supply 139.

Mr. President, I pass now from the consideration of this subject to discuss very briefly the practical question that is before us. I would very gladly go over the whole field as it presents itself to my mind; but I have already trespassed too long on the time of the Senate to do so. I therefore propose to state, succinctly as I can, the points which I think are material, and the reasons which will control my vote at least, if not the votes of others, upon the bill before us.

First, I object to yoking the living with the dead. You passed an enabling act, as you called it, for Minnesota. I attach no sort of importance to any act in relation to a Territory which authorizes her

to adopt a constitution preparatory to her admission into the Union as a State, except this: when Congress voluntarily passes a bill prescribing the terms to a Territory, and saying that, if she will adopt and follow them, she shall be admitted, it imposes an obligation upon us to do so in good faith. If she does not substantially follow the provisions of the enabling act, she is entitled to no benefit from it. If she does, as a matter of good faith, she is entitled to admission under its provisions. We did so by Minnesota. If, therefore, she has substantially followed the line which we marked out for her, in good faith, in honor, and in honesty, we are bound to admit her.

We did nothing in relation to the Territory of Kansas, and she comes here, therefore, with no implied obligation upon our part to admit her. We may do so. I do not think it is of any earthly importance whether we authorize a Territory to form a State constitution or not. The question with me, and the only question, is, is the instrument before us the constitution of the people of the Territory? I learned a great many years ago, and it is a doctrine I shall carry with me to my grave, that governments are founded upon, and derive their powers from, the consent of the governed; that governments are instituted for the people. If the people of a Territory come here with a constitution, I only desire to know that it is in truth and in fact their will. If it is their will, and everything else is right, I will vote for their admission. If it is not their will, I do not care whether you have passed enabling acts, I do not care whether they have made their constitution with or without enabling acts, I will not vote for their admission. The two cases are here sought to be connected. Why? Is it to make one carry the other? Is it for the purpose of forcing Kansas into the Union upon the back and by the strength of Minnesota? You cannot avoid that conclusion.

Then I come to the amendment which is offered by the Senator from Ohio, [Mr. PUGH;] an amendment which, in my judgment, amounts to just nothing at all. I shall not pause to read it; but I think it commences by saying that "nothing herein contained shall prevent the people of the State of Kansas from amending their constitution." What does the word "herein" refer to? This bill that we are passing. If you adopt that amendment, it will be ineffective entirely? There will be no efficiency or power in its language. There is nothing in the bill, one way or the other, on the point. The question is as to the power under the constitution. If his amendment had said that nothing in the constitution shall prevent the people of that State from altering or amending it, there would have been some force in it; but the amendment of the Senator says, "nothing herein contained." "Herein" refers to the bill before us, and surely there is nothing therein contained on this point. The question is as to the power which the people have under the constitution. If they have it, we cannot take it away. If they have it not, we cannot impart it.

Then comes the amendment which is proposed by my friend from New Hampshire, [Mr. CLARK.] That amendment meets the objection. Whether it is wise or unwise to adopt such an amendment, I shall not now stop to inquire. I will, however, say that I do not hold that we have any right to make constitutions; we have a simple right to ad-

mit States; still we have a right to determine upon what terms and conditions we will receive a partner into this Confederacy. We may reject her because we do not like the terms on which she proposes admission. I do not care what those terms are; if, in the judgment of a majority of Congress, the terms are not satisfactory, we may reject her, and we may continue to reject her until the terms on which she presents herself are satisfactory. There has never been a State admitted into this Union upon which we have not imposed terms and conditions. You have provided that they shall not tax your public lands, and the taxing power lies at the basis of every government. It is the food on which a government must live; but you deny them the right. It is a condition which you have wisely imposed, and you had a right to impose it.

That is the way in which the bill is practically presented to us here to-day. I shall now run over the line of argument which I had proposed to discuss, but which I will not for want of time. In 1854 we were quiet, and there was no ripple upon the political sea. All was quiet, and the agitations that had disturbed the country had ceased. Then the demand was made that the Missouri compromise line should be repealed; and what for? For no other purpose on God's earth than to extend slavery. That was its object. I do not mean to accuse every Senator who voted for it of having that design specifically in his mind; but I judge of acts by their results. I judge of acts by what we have a right to infer must be their natural and necessary result. If they did not mean to extend slavery, why repeal it? What good did it do? They did mean it; that was the public meaning; that was the intention and the design of the bill; and it was for that purpose that the compromise line was repealed. First, a government was set up in that Territory by a class of men who invaded it. Nobody doubts it, nobody denies it, who has any regard for correctness. After a successful usurpation in this Territory, your Government sent in troops to support that government which had thus been set up in usurpation; and just so often, and just whenever any Governor that you sent there, coming from the North or the South, had learned what was the true state of things, and had fraternized with the majority of the people there, he was either dismissed or compelled to resign for fear of dismissal.

Then I come to this very act that is presented here as evidence of what was intended as to the institutions of the Territory. I take the dismissal of the last acting Governor, Mr. Stanton, as still another evidence. No sane man doubts that there would have been a collision in that Territory if he had not called together the Legislature for the purpose of affording the people such relief as they thought they might rightly demand, and could get, under legislative action. I take it, that nobody doubts that but for his calling the Legislature together, there would have been a collision; but because he did, he subjected himself to the displeasure of the powers that be, and he was dismissed. Why dismissed? Simply, and for the reason, that he wanted the people of the Territory to express their opinion upon a subject in which they had such a deep and vital interest. It has been the grave-yard of Governors, and it will be

the grave-yard of the present Governor, if you keep him there much longer. A constitution has been formed in Kansas, and this bill proposes to accept it as the constitution of the people of Kansas. Have they formed it? That is the allegation. How did they form it? They formed it by virtue of an enactment which emanated from the Territorial Legislature. In my judgment, that was well enough, if it were the act of the people. All depends on that. Indeed, if the constitution was framed in a mass meeting, or by delegates elected, even without law, and it were still the act of the people, it would satisfy me. All would depend on that. Of course, the will of the people must be so expressed that there can be no doubt upon the point.

But I hold that your Territorial Legislature may pass all the laws they choose to pass for the formation of a State constitution; they may form constitutions in any way they choose; but until they receive the approval of a majority of the people upon whom the constitution is to act, they are no better than so much blank paper with me.

When the people of the Territory approve it, it is to be regarded as binding; and I do not care myself how they approve it; I do not care whether it is by a vote at the polls, or by an expression of their opinions sent here to us by petitions; but I want to know the fact of their approval, and I want to know it in such a way that there shall be no reasonable doubt about it; and when I get the fact I am satisfied. Strictly in a legal sense, neither of these methods may be correct; but in the equitable view which I take, either method will answer if the constitution receives the approval of those persons interested in it. That is all I demand; and, so far as the people of the Territory can act, that is all they can do.

Another thing: that constitution can take effect only when the Territory is admitted as a State by us. Then it goes into operation—not till then. Suppose Congress had authorized Kansas to frame a constitution; suppose Kansas had done so; suppose an undoubted majority of all the people of that Territory had approved that constitution, and she had come here; still it could not take effect until we had admitted her. Suppose in that case we, for some cause, sufficient in our own judgment, should reject her: would that constitution amount to anything? Certainly not. It is the admission of the Territory as a State that gives vitality to the constitution.

Now, is this constitution that of the people of Kansas? It is no such thing. The people repudiate it. It was conceived in sin, and was brought forth in fraud. It has never been submitted to them by the parties who made it.

Whether slavery should exist in the Territory by virtue of the constitution, or whether the article in the constitution should be stricken out, and slavery should exist under the schedule to the constitution, was what was submitted. It was slavery either way. On that proposition some six thousand votes, or more, were returned, where it is now proved but about two thousand five hundred were given.

It is now asserted that the convention which made this Lecompton constitution having failed to submit it to the people for rejection or approval, it could not be afterwards done by the Territorial Legislature: I deny that doctrine en-

tirely. The vitality, the legal shape of the constitution, may come from the convention; but why do we submit it in any ease to the people? Simply and only for the purpose of learning whether it is their act. That is all we want to know. It mattered not whether submission was on the 21st of December or on the 4th of January. At any time, any hour, before we are called upon to act, the people of the Territory have a right to express their approval or disapproval of that instrument. The only object of submission is to learn the will of the people. So that we get that will before we act, is all that is necessary. That will is expressed in the vote given on the 4th of January.

The President, in his message, tells us that he has not heard what the vote on the 4th of January was; but we all know, as certainly as we know any fact of a general character, that, on the 4th of January, there was an overwhelming majority of the people of that Territory reprobating, rejecting this very instrument. They scorn to recognize it as anything of theirs, or any instrument which ought to be binding upon them.

Now, sir, we are about to have this constitution forced on the people of the Territory of Kansas. What will they do? God only can tell. I do not know. I have no advice to give them; but I can say this: the people in that country have come from all sections; they embrace the Huguenots of the South, who left their country to enjoy religious freedom on this continent, as well as the Puritans of the North; they embrace the Cavaliers of Virginia, who came into this country to establish a Government which should secure them in their rights; and I do not believe that the spirit of the Puritans, the Huguenots, or the Cavaliers is quite yet extinct. If Congress shall undertake, in its power, to force a constitution and a State government upon that people, when it has only a right to admit States, not to make them, they are a people who are only fit to be slaves, and they will only be slaves, if they do not resist it to the last extremity. I put it to any Senator, and I ask him what would he do, standing in a community where he knew Federal bayonets were about to force upon him a government which was to deprive him of his rights? I ask any one who is about to vote for this great wrong, what would he do? Would he not resist it to the bitter end, and to the last extremity? If he would not, the blood of the Anglo-Saxon race does not circulate in his veins. I believe they will resist it; I believe they will do what is their duty; and if they do, I only desire to add, that the responsibility must be with those who have placed them in such an emergency. If men fight for their domestic altars, you must not complain of them for doing it, when you have forced that emergency upon them; nor, let me add, must you blame those who shall rally to their support. But I cannot enlarge upon these matters as I would. I must leave them, with a brief allusion to one other point.

Mr. President, this is all to be done under the "forms of law." I have heard this phrase "forms of law," until it has become painful to my ear.

Forms of law! Will you tell me of the worst despotism that ever existed, that did not rest upon forms of law? Will you tell me of the wickedest act that has ever been perpetrated by any government, that has not been done under the forms of law? We sit not here, sir, in the capacity of a court to adjudicate and to construe the laws that have been made; we are here for the purpose of exercising our power upon broader principles of equity than those which belong to courts; but still all courts which administer laws are clothed with equity powers. All courts are clothed with equity powers to prevent a greater wrong.

"It is a common saying, and a true,

That strictest law is oft the highest wrong."

Forms of law! Why let us rather see to it that the substance of the law is executed and justice done.

We are clothed with equity powers beyond those which obtain in a court; and we are making laws; we are not administering them. We ought at the mere suggestion of wrong, to these people, to go to the very basis, and ascertain whether we are about to perpetrate a wrong and force upon them a government which is not their own. But, sir, instead of that we are here day after day with petty juggling and pettifogging, claiming to proceed under the forms of law, forgetting the substance. What is the substance? What is the right? What care I here in making laws, for what may be a form? What is the substance? What is the great equity of the case; and as a legislator it is my duty to apply myself to that. What is right? what is just? Let that be done, and all will be well.

Forms of law! God knows there is nothing but form in it. Forms of law! Long years ago the mother country undertook to oppress these colonies by forms of law, but not as unjustly as we have ruled the people of Kansas; and she persecuted that great and noble patriot, John Hampden, under the forms of law, and for his love of liberty. There is one other act which has been perpetrated under the forms of law, to which I will allude, and then I shall have done.

Under the forms of law despotism is created. Under the forms of law, all the wrongs of which the mind of man can conceive have been perpetrated. Under the forms of law, and in the name of liberty, liberty itself has been stricken down. In the name and under the forms of law, the Son of man was arraigned and stretched upon the cross. Under the forms of law you are about to do an act here, unequaled in turpitude by anything that has been recorded in all the progress of time, save that event to which I have just alluded. In all history, save the crucifixion of Christ, there is no act that will stand upon the record of its pages in after time of equal turpitude with this act. The purpose of it is to extend human slavery; and I may well inquire—

"Is this the day for us to sow

The soil of a virgin empire with slavery's seeds of woe;
To feed with our fresh life-blood the Old World's east-off
crime,

Dropped like some monstrous early-birth from the tired
lap of Time?"